

Image

2863

PTO/SB/21 (08-03)

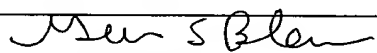
Approved for use through 07/31/2006. OMB 0651-0031


U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>OFFICE</b> <b>TRANSMITTAL</b> <b>FORM</b> <b>DEC 31 2003</b> (to be used for correspondence after initial filing) <b>U.S. TRADEMARK OFFICE</b>	<b>Application Number</b>	09/316,651	
	<b>Filing Date</b>	May 21, 1999	
	<b>First Named Inventor</b>	Dr. Norm Faiola	
	<b>Group Art Unit</b>	2863	
	<b>Examiner Name</b>	NGHIEM, MICHAEL P.	
<b>Total Number of Pages in This Submission</b>	29	<b>Attorney Docket Number</b>	270-109

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return mailroom postcard.
<b>Remarks</b>		<b>The Commissioner is authorized to charge any additional fees to Deposit Account No. 50-0289.</b>
<b>AMENDMENT IN RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 C.F.R. § 1.121)</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
<b>Firm and Individual name</b>	Wall Marjama & Bilinski LLP George S. Blasiak Reg. No. 37,283	
<b>Signature</b>		
<b>Date</b>	December 29, 2003	

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: <span style="border: 1px solid black; padding: 2px;">December 29, 2003</span>		
<b>Typed or printed name</b>	Jill R. Clarke	
<b>Signature</b>		<b>Date</b> December 29, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: December 29, 2003

**PATENT**

By: Jill R. Clarke  
Jill R. Clarke



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/316,651

Applicant(s) : DR. NORM FAIOLA, *et al.*

Filed : May 21, 1999

Title : SYSTEM FOR MONITORING SENSING DEVICE DATA SUCH  
AS FOOD SENSING DEVICE DATA

TC/A.U. : 2863

Examiner : NGHIEM, MICHAEL P.

Docket No. : 270-109

Customer No. : 20874

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT IN RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT  
(37 C.F.R. § 1.121)**

Sir:

Responsive to a Notice of Non-Compliant Amendment dated December 15, 2003,  
Applicants submit the following claim amendment which complies with 37 C.F.R. § 1.121  
for the above-captioned patent application, without prejudice.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of  
this paper.

**Remarks/Arguments** begin on page 23 of this paper.